

Mail Stop Non-fee Amendment

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DN A01504

In re application of: Y. Kashimura, et. al.

Serial No.: 10/810,017 : Group Art Unit: 1616

Filed: 03/26/04 : Examiner: S. N. Qazi

For: Technique for Effectively Treating an Agricultural Product with a 1-Substituted Cyclopropene

Mail Stop Non-fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Dear Sir:

RESPONSE

This is in response to the Office Action dated September 28, 2004 for the above-identified application. This response includes a request for a one month extension of time to respond to the Office Action.

REMARKS

Claims 1 to 5 are pending in the Application. Claims 1-5 are rejected. Reconsideration and withdrawal of the rejection of record is requested in view of the following comments:

Rejection under 35 USC §112, second paragraph

Claim 1-5 are rejected under 35 USC §112, second paragraph, as being indefinite in that the phrase "reduced pressure" is indefinite.

Applicants' have adequately described in the Specification what the term "reduced pressure" means. See the Specification, page 3, line 26 to page 4, line 18. Applicants have noted that reduced pressure is any pressure below ambient that results in an improvement in the effectiveness of the 1-substituted cyclopropene over that obtained at normal pressure. Applicants also note that reduced pressure conditions vary depending on the type of cyclopropene compound used, the amount of the cyclopropene compound used, and the kind of agricultural product treated. See the Specification, page 4, lines 10-12. One skilled in the art would understand the meaning of "reduced pressure" and, from reading the Specification, understand that the

appropriate "reduced pressure" to use in any particular situation would vary depending upon those factors noted above. Therefore, there is no need to further specify the term "reduced pressure" in the claims. Applicants respectfully request that this rejection be withdrawn.

Rejection under 35 USC §103(a)

Claims 1-5 are rejected under 35 USC §103(a) as being unpatentable over Sisler (U.S. Patent No. 6,194,350) and Sisler, et. al., (U.S. Patent No. 5,518,988) in that each teach methods of applying certain 1-substituted cyclopropenes to block ethylene receptors in plants and that these disclosures render Applicants' invention obvious in that Applicants' invention claims a broader genus.

Although Applicants have provided experimental data for only one species of Applicants' claimed genus, Applicants' claimed genus is known and has been previously disclosed. See, for example, U.S. Patent 6,444,619, cited in Applicants' Notice of References Cited. Applicants' are not claiming a specific genus of cyclopropenes but, rather, a new method of using known cyclopropene compounds which improves the performance of such cyclopropene compounds. Applicants have discovered that contacting an agricultural product with cyclopropenes at reduced pressure will result in an improvement in the performance of the cyclopropene over their performance at normal pressure. See the Specification, page 2, lines 13-18, and the examples. There is no teaching or disclosure in any of the cited references that use of cyclopropene compounds at reduced pressure will result in improved performance. Therefore, Applicants' claims are not obvious. Applicants respectfully request that this rejection also be withdrawn.

With this response, Applicants believe that the rejection has been overcome and the claims are in condition for allowance. Should the Examiner have any suggestions which may put the Application in better condition for allowance, Applicants' attorney is willing to discuss any such suggestions either by phone or at the U. S. Patent and Trademark Office.

Respectfully submitted,

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